

Superior Court (Mary Storguin) to P. & S. Ry Co.

In the Superior Court of the State of Washington, for the County of Skamania

Portland and Seattle Railway Company, a corporation, Petitioner

Order and Decree

vs.

of Appropriation

Mary Wil-my-i-tit, now Mary Storguin, Claimant

and Condemnation.

This cause coming on regularly to be heard before the court on the 14th day of March 1906, the petitioner appearing by James B. Kerr and Geo. P. Reid, its attorneys, and the claimant

Mary Wil-my-i-tit, now Mary Storguin appearing in person and by Jene M. Frye, United States District Attorney, by direction of the Attorney General of the United States.

And it appearing to the court upon satisfactory proof that all parties interested in the land, real estate and premises in the petition herein described have been duly served with the notice provided by law. And it further appearing to the satisfaction of the court by competent proof that the petitioner Portland and Seattle Railway Company is and at all times in its petition mentioned was a corporation duly organized and existing under and by virtue of the laws of the State of Washington, and among other things organized for the construction and operation, and having full power and authority to construct, maintain and operate railways in the State of Washington and elsewhere, and among other places from the City of Spokane, in the State of Washington, to the City of Portland, in the State of Oregon. And it further appearing to the satisfaction of the court by competent proof that the contemplated use for which the land, real estate and premises sought to be appropriated by this proceeding is for the purpose of constructing thereon a railroad, said railroad to form a part of a line of railroad which said petitioner is now building from Skamania, Washington, down the north bank of the Columbia River to Portland, Oregon, and that such contemplated use is really a public use, and that the public interest requires the prosecution of such enterprise and that the land, real estate and premises sought to be appropriated are required and necessary for the purpose of such enterprise.

It is ordered, adjudged and decreed by the court that the contemplated use for which the land, real estate and premises so sought to be appropriated by this proceeding, and hereinafter described, is really a public use and that the public interest requires the prosecution of such enterprise and that the land, real estate and premises so sought to be appropriated are required and necessary for the purpose of such enterprise. Now at this time the said parties appearing in court and being ready for trial and both parties having waived a jury the trial was had before the court, and the respective parties having duly submitted their testimony and the court having considered the same and being duly advised, finds and assesses the damages which shall result to said claimant by reason of the appropriation and use of the land, real estate and premises for any and all corporate purposes of said petitioner, Portland and Seattle Railway Company and having ascertained, determined and awarded the amount of the damages to be paid to said owner, Mary Wil-my-i-tit now Mary Storguin for the taking and injuriously affecting said land, real estate and premises irrespective of any improvements proposed by said petitioner, Portland and Seattle Railway Company;

11. It is therefore ordered, adjudged and decreed by the court that in conformity with said finding of the court, the claimant Mary Wil-my-i-tit, now Mary Storguin, have and